



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, DECEMBER 12, 2011
7:00P.M.***

*The Regular Meetings of City Council are filmed and can be viewed
LIVE while the meeting is taking place or at your convenience at any time after the meeting on
the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agendas*

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Dr. Sandra Fees, First UU Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Ed Terrell for his artwork at the Reading Farmer's Market
- Council Commendation recognizing Olivet Boys and Girls Club for their artwork at the Reading Farmer's Market, accepted by Sheila Miller, Lloyd Hopkins and Phoebe Hopkins
- Council Commendation recognizing the 70th anniversary of Paul Essig Inc
- Council Commendation recognizing the 100th anniversary of Weis Markets

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of November 28, 2011

B. AGENDA: Council meeting of December 12, 2011

5. Consent Agenda Legislation

A. Award of Contract - for the Collection and Disposal of Residential Municipal Solid Waste for the Environmental Division, Department of Public Works to BFI Waste Services of PA, d/b/a Allied Waste Services, 50 Orchard Lane, Box 197, Leesport, PA 19533, who is not the low bidder, at a price of \$151.32/unit per year, for a total estimated bid price of \$7,331,454.00 (for three years) **(Purchasing)**

B. Resolution 199-2011 – consenting to transfer and sale of Penn's Common Court Apartments to LIHTC Preservation Properties I, LP subject to City of Reading's loan and assumption of same by LIHTC Preservation Properties I, LP **(Community Development)**

C. Resolution – authorizing LIHTC Preservation Properties I, LP to apply for bonds for a project at the Penn's Common Court Apartments **(Stevens & Lee)**

D. Resolution - consenting to the borrowing of up to \$6,635,000 by the Reading Parking Authority **(Parking Authority)**

E. Resolution – authorizing the Mayor to file an application for RACP funds in the amount of \$3,000,000.00 for the African-American Museum and Cultural Center Construction Project. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania **(Man Dir)**

F. Resolution – for the acquisition of four (4) recycling trucks to perform the in

house collection of recyclable materials and approving the entering into of the contract between the City of Reading, Pennsylvania and Kansas State Bank of Manhattan
(Purchasing)

G. Resolution – designating the Managing Director as the FEMA agent under the Robert T. Stafford Disaster Relief and Emergency Assistance Act **(Man Dir)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 69-2011 – establishing the 2012 solid waste trash removal fee for the City of Reading at \$204.65 per year payable quarterly **(Mayor)** *Introduced at the October 3 special meeting; tabled at the November 28 regular meeting*

B. Bill No. 70-2011 - establishing the 2012 solid waste recycling fee for the City of Reading at \$81.03 annually **(Mayor)** *Introduced at the October 3 special meeting; tabled at the November 28 regular meeting*

C. Bill No. 52-2011 – amending Chapter 11, Housing – Rental, Part 1, providing for the issuance, denial, or revocation of rental housing permits; authorizing the Zoning Administrator to approve or deny the issuance of zoning permits for previously registered rental units and to deny non-conforming applications; providing for annual rental housing permits; establishing a surcharge for failing to apply for timely renewal of a rental housing permit; proscribing the failure to timely apply for a new rental permit following the acquisition of rental property and declaring the same an offense; providing for the imposition of penalties for operating rental housing without applying for a required permit; providing for the revocation of rental housing permits granted upon applications containing material misrepresentations, errors or omissions; and repealing Chapter 11, Part 1, Exhibit A **(Bus Analyst)** *Introduced at the Sept 26 regular meeting*

Pending Ordinances

Bill No. 44-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendora Park **(Law/Mayor)** *Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27; Tabled at the August 8 regular meeting; Pending Zoning Hearing Board Decision in October; Zoning Variance granted October 12*

Pending Resolutions

Resolution 175-2011– amending the CDBG Acton plan as follows: Allocate \$100,000.00 of unprogrammed HOME funds to Habitat for Humanity for renovation of agency-owned properties throughout the City. Total project budget \$200,000. Cancel 2010 Blighted Property Review Committee Acquisition and Rehabilitation funding of \$78,000 and cancel the 2010 Neighborhood Home Ownership project funding of \$100,000 and reallocate \$178,000 to fund Habitat for Humanity for blighted property remediation through acquisition and renovations of properties, new construction, and/or repairs to owner-occupied properties in the target neighborhoods. With Habitat's proposed contribution, the total project budget will be \$600,000. *Tabled at the October 10 and October 24 regular meetings*

Resolution 176-2011– amending the CDBG Acton plan as follows: Provide \$23,859 in 2011 CHDO operating funds and \$47,178 in 2012 CHDO operating funds to increase rehabilitation capacity. Provide HOME Admin funds as necessary for NHS to administer and coordinate acquisition, rehabilitation and home ownership programs for affordable housing in the target neighborhood(s). Provide additional HOME Entitlement or CHDO Reserve funds for projects identified as appropriate. *Tabled at the October 10 and October 24 regular meetings*

Resolution 177-2011– amending the CDBG Action Plan as follows: Provide \$400,000 in unprogrammed HOME funds to Berks Housing Development Partnership to develop, manage and administer affordable housing programs *Tabled at the October 10 and October 24 regular meetings*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – amending the City of Reading Codified Ordinances Chapter 10 Health and Safety by repealing Section 18 Health and Safety Inspection and recreating the Health and Safety Inspection with other provisions as a new Part 3 named “Certificate of Transfer” in Chapter 4 Buildings **(Council Staff/Law)**

B. Ordinance – amending the fee schedule relating to solid waste removal fees and property and restaurant inspections **(Bus Analyst)**

11. RESOLUTIONS

A. Resolution – appointing Barry Richardson to the Board of Ethics **(Admin Oversight)**

B. Resolution – reappointing Ernest Schlegel to the Library Board **(Admin Oversight)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, December 12

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, December 19

Public Works Committee – Council Office – 5 pm

Finance Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Monday, December 26

City Hall Closed – Christmas Holiday

Tuesday, December 27

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, December 12

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, December 13

Airport Authority – Airport Authority Office – 8:15 am

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, December 14

Water Authority – Penn Room – 4 pm

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, December 15

Dare 2 Care – Bethel AME Church – 5:30 pm

Blighted Property Review Committee – Council Chambers – 6 pm

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, December 16

Fire Pension Board – Penn Room – 10 am

Monday, December 19

Library Board – 113 S 4th St – 4 pm

Tuesday, December 20

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, December 21

Officers and Employees Pension Board – Penn Room – 1:30 pm

Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Monday, December 26

DID Authority – 645 Penn St 5th Floor – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, December 27

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penns Commons Neighborhood Group – Penns Commons Meeting Room – 7 pm

**City of Reading City Council
Regular Business Meeting
Monday, November 28, 2011**

Council President Vaughn Spencer called the meeting to order.

The invocation was given by President of Council Vaughn Spencer.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director C. Geffken

PROCLAMATIONS AND PRESENTATIONS

The City Council issued the following:

- Council Commendation recognizing Sandy Stief for her work on the downtown hanging floral baskets

PUBLIC COMMENT

Council President Spencer announced that no citizens are registered to address Council at this evening's meeting.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes for this meeting November 14 2011 and the agenda for this meeting. He noted the need to add two (2) to the Consent Agenda heading and one (1) ordinance under Ordinances for Final Passage as follows:

- **Resolution** - authorizing a \$300K Brownfield Loan Program

- **Resolution** - authorizing the Hydrojet Section 108 Loan
- **Bill 71-2011** – Setting the Resident Home Rule EIT rate at 1.4% (introduced at the Special Meeting on October 3rd)

Councilor Acosta requested that the Resolution regarding the restructuring of the Hydrojet loan be considered separately.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the November 14th Regular Meeting of Council and the agenda, as amended. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 196-2011 – authorizing the disposition of 2002, 2003 and 2004 tax and treasury records as attached (**Citizens Service Center**)

Resolution 197-2011 – authorizing a \$300K Brownfield Loan Program

Resolution 198-2011 – authorizing the restructuring the Hydrojet Section 108 Loan

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adopt Resolution 198-2011.

Councilor Acosta noted the need for him to abstain from this vote because he is employed by Fulton Bank, who put together the financial package for the applicant.

Councilor Goodman-Hinnershitz expressed her belief in the commitment of Hydrojet to restructure this loan to move the repayment obligations from an annual to a monthly structure. She noted that Council's support for this transactions shows that Reading does support business in the City.

Council President Spencer explained the terms of the restructuring will convert principal and interest payments to a monthly rather annual payment.

Resolution 198-2011 was adopt by the following vote:

**Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None- 0
Abstention: Acosta – 1**

ADMINISTRATIVE REPORT

Mr. Geffken read the report distributed to Council at the meeting covering the following:

- Update on Quality of Life Ticketing Ordinance
- Update on Rental Property Inspection Cycle
- Upgrade in the use of technology to create improved efficiencies in the Property Maintenance Division
- Distribution of metrics showing the accomplishments of the Property Maintenance Division

Mr. Geffken noted the teamwork of Business Analyst David Kersley, Legal Specialist Tonya Butler, Codes Manager Ron Natale, and City Clerk Linda Kelleher to improve the functionality and efficiency in the Property Maintenance Division.

Councilor Sterner commended the Administration for improving the performance of Codes. He expressed the belief that Codes is on the right track.

Councilor Goodman-Hinnershitz suggested holding a community forum with investors and Magisterial District Judges to educate them on the new housing provisions.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2011 Admissions Tax Collection
- 2011 Real Estate Transfer Tax Collection. Noting that three (3) properties valued at over \$1M were sold over the course of 2011

ORDINANCES FOR FINAL PASSAGE

Bill No. 56-2011 - amending Chapter 5, Code Enforcement of the Codified Ordinances of the City of Reading by adding Historic District Violations, Satellite Dishes in Historic Districts, requiring registration of trash hauler and requiring permits for temporary dumpsters **(Law)** *Introduced at the Sept 26 regular meeting; tabled at the October 10 and Oct 24 regular meetings*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 56-2011.

Bill No. 56-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Bill No. 62-2011 - amending Chapter 20, Solid Waste, of the Codified Ordinances of the City of Reading by amending the language regarding storage by residential and multi-family units of four or fewer units (**Law**) *Introduced at the November 14 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 62-2011.

Bill No. 62-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Bill No. 63-2011 - amending the Codified Ordinances, Chapter 1 Part 8, Department of Police, Sections 1-802 Sergeants and 1-803 Lieutenants by decreasing the Time-In-Grade Requirements for Promotional Eligibility (**Police**) *Introduced at the November 14 regular meeting*

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 63-2011.

Council President Spencer explained that the amendment will allow the promotion of younger and less experienced officers into command positions, which is needed due to the increase in police retirements.

Bill No. 63-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Bill No. 64-2011 - amending the 2011 City of Reading General Fund Budget by authorizing the transfer of funds from the Property Maintenance Division Salary Budget to the Property Maintenance Uniforms, Abatement Budgets and Information Technology Fees (**Business Analyst**) *Introduced at the November 14 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 64-2011.

Managing Director Geffken explained the nature of the transaction.

Bill No. 64-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

Bill No. 65-2011 – levying the Real Estate taxes for the fiscal year beginning the first day of January, 2012, and ending the thirty-first day of December, 2012 at a rate of fourteen and three hundred thirty-four thousandths mills (.014334) on the dollar, or fourteen dollars and thirty-three point four cents (\$14.334) on each one thousand dollars
(Mayor) Introduced at the October 3 special meeting

Councilor Acosta moved, seconded by Councilor Sterner, to enact Bill No. 65-2011.

Managing Director Geffken described the work by Council and the Administration to reduce the originally proposed Property Tax increase to a rate level with that set for 2011.

Councilor Goodman-Hinnershitz described the amount of review and scrutiny during this year's budget process.

Councilor Sterner noted that this year's rate was leveled due to a one-time fix. He warned that a property tax increase may be needed in subsequent years.

Councilor Waltman stated that as per the Recovery Plan, property taxes were not to have been increased until 2014; however, the 20% increase in 2011 was needed due to the gap in EIT collections. He expressed the belief that too high a burden is placed on the average property owner.

Bill No. 65-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, , Spencer,
President – 6**

Nays: Waltman - 1

Bill No. 66-2011 – establishing the full-time employee positions for the City of Reading for the fiscal year 2012 **(Mayor) Introduced at the October 3 special meeting**

Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill No. 66-2011.

Council President Spencer explained that the 2011 Fulltime Position Ordinance

authorized the employment of 636 full-time employees; however the 2012 Full-Time Position Ordinance only authorizes 585 full-time employees. He stated that the majority of the employees cut were actually moved to employment under the Reading Area Water Authority. He stated that 484 employees are funded under the General Fund.

Councilor Waltman noted the need for an annual review of the RAWA budget.

Councilor Sterner noted the annual reduction in the number of municipal employees over the years but the noted the escalating legacy costs.

Mayor McMahon noted the need for the State to authorize municipalities to move to a defined contribution plan. He also noted the over abundance of individual municipal pension plans. He stated that the creation one State-wide pension plan would create efficiencies and save money. He also noted the need for all affected residents and employees to encourage their State-elected officials to approve legislation that would allow these changes.

Councilor Goodman-Hinnershitz noted the reduction in City man-power also means a reduction in City services. She noted the challenged and over-stretched Public Works Department.

Bill No. 66-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 7

Nays: None- 0

Bill No. 67-2011 – establishing the budget for the funds of the City of Reading including revenues and expenses for the fiscal year beginning January 1, 2012 and ending December 31, 2012 **(Mayor)** *Introduced at the October 3 special meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 67-2011.

Managing Director Geffken stated that the Budget came in just below \$73.1M and is balanced as the Charter requires.

Councilor Waltman stated that four (4) additional Police Officers were added to allow the Department to sustain critical staffing levels and \$100K was contributed to the Library. He also noted the need to amend the Act 47 Recovery Plan to reflect the EIT collection gap.

Managing Director Geffken stated that a review of the Act 47 Recovery Plan will begin at the bi-monthly Act 47 meetings.

Councilor Acosta stated that he supports the budget; however he is concerned with the use of a one-time fix and the City's poor collection of Earned Income Tax.

Councilor Goodman-Hinnershitz noted that the annual budget is a fluid working document.

Bill No. 67-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

Bill No. 68-2011 – establishing the Capital Improvement Plan budget for the City of Reading including capital expenditures and revenues for the fiscal year beginning January 1, 2012 and ending December 31, 2012 **(Mayor) Introduced at the October 3 special meeting**

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill No. 68-2011.

Council President Spencer stated that the only initiative in the 2012 plan is a \$500K to the African-American Museum.

Councilor Sterner noted his belief in the proposed museum as it is meaningful to the Greater Reading community.

Bill No. 68-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

Bill No. 69-2011 – establishing the 2012 solid waste trash removal fee for the City of Reading at \$204.65 per year payable quarterly **(Mayor) Introduced at the October 3 special meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 69-2011.

Bill No. 69-2011 was tabled by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

Bill No. 70-2011 - establishing the 2012 solid waste recycling fee for the City of Reading at \$81.03 annually **(Mayor) Introduced at the October 3 special meeting**

Councilor Waltman moved, seconded by Councilor Reed, to tabled Bill No. 70-2011.

Bill No. 70-2011 was tabled by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

Bill 71-2011 – Setting the Resident Home Rule EIT rate at 1.4% (introduced at the Special Meeting on October 3rd)

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 71-2011.

Bill No. 71-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman,
Spencer, President – 7**

Nays: None- 0

INTRODUCTION OF NEW ORDINANCES

There were no Ordinances introduced at this meeting.

RESOLUTIONS

There were no Resolutions considered at this meeting.

COUNCIL COMMENT

Councilor Reed noted the opening of the Penn Street over the next two (2) Friday's from 9pm-4pm, where Christmas greenery will be sold.

Councilor Reed asked the Administration to investigate a local business's offer to fund a lighting project for downtown businesses then changing the terms of the agreement

after the fact.

Councilor Goodman-Hinnershitz announced that Santa will be appearing at the Pagoda over the next two (2) weekends from 11am-3pm.

Councilor Waltman announced the Centre Park Christmas House tour on Sunday, December 11th from 11am-6pm. He also noted the availability of Christmas trees at the Centre Park Artifacts Bank on the 700 block of North 5th Street.

Councilor Sterner congratulated Ms. Stief on her volunteer work to beautify the City.

Councilor Sterner also announced the Saint Mark's Community Group meeting scheduled for November 29th at 6pm.

Councilor Sterner also noted that Santa Claus will also be appearing at the Hillside Holiday Light Display over the next few weeks.

Mayor McMahon announced that a fireworks display will occur at the Pagoda on New Year's Eve.

Council President Spencer announced that this is the last day for graffiti removal for 2011. He noted that 835 graffiti abatements have occurred since July 12th. He commended this program for their high productivity.

Councilor Acosta moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City

Clerk



AGENDA MEMO

DEPARTMENT of ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: December 12, 2011
AGENDA MEMO DATE: December 7, 2011
RECOMMENDED ACTION: Awarding of Contract for the Collection and Disposal of Residential Municipal Solid Waste for the Environmental Division, Department of Public Works

RECOMMENDATION

The recommendation is to award the contract to BFI Waste Services of PA, d/b/a Allied Waste Services, 50 Orchard Lane, Box 197, Leesport, PA 19533, who is the low bidder, at a price of \$151.32/unit per year, for a total estimated bid price of \$7,331,454.00 (for three years).

BACKGROUND

Bids for the weekly curbside collection and disposal of residential municipal solid waste, bulky waste and recyclables for the Department of Public Works were received on November 30, 2011. The low bid was received by BFI Waste Services. The price submitted is for approximately 16,150 units for the collection of municipal solid waste. This is a three-year contract.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed that funds sufficient for this contract will be budgeted in the 2012 Budget in Account Code 56-07-47-4216.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the October 24, 2011, meeting.

RECOMMENDED BY

Mayor, Managing Director, Acting Director of Administrative Services, Director of Public Works, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the contract to Allied Waste Services for the collection and disposal of residential municipal solid waste.

cc: File

December 5, 2011

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 7002-11 FOR THE MUNICIPAL TRASH PICK UP SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA.

NAME	\$/UNIT/YEAR	EST. # OF UNITS	TOTAL BID PRICE/YEAR	TOTAL BID PRICE/3 YEAR
BFI Waste Services of PA, LLC	\$151.32	16,150	\$2,443,818.00	\$7,331,454.00
Interstate Waste Services of PA, LLC	\$153.24	16,150	\$2,474,826.00	\$7,424,478.00
Kreitzer Sanitation	\$157.25	16,150	\$2,539,587.50	\$7,618,762.50
Waste Management	\$165.96	16,150	\$2,680,254.00	\$8,040,762.00
J.P. Mascaro	\$182.40	16,150	\$2,945,760.00	\$8,837,280.00

Proposals received from:

BFI Waste Services of Pennsylvania, LLC
Dba Allied Waste Services of Schuylkill County
50 Orchard Lane
Leesport, PA 19533

Interstate Waste Services of Pennsylvania, LLC
500 North Franklin Turnpike, Suite 212
Ramsey, NJ 07446

Kreitzer Sanitation Management Co., Inc.
318 South Liberty Street
Orwigsburg, PA 17961

Waste Management of Pennsylvania, Inc.
187 Swamp Creek Road
Gilbertsville, PA 19525

Solid Waste Services, Inc.
Dba J.P. Mascaro & Sons
2650 Audubon Road
Audubon, PA 19403

TAMMI REINHART
Purchasing Coordinator

RESOLUTION NO. _____

CONSENTING TO TRANSFER AND SALE OF PENN'S COMMON COURT APARTMENTS TO LIHTC PRESERVATION PROPERTIES I, LP SUBJECT TO CITY OF READING'S LOAN AND ASSUMPTION OF SAME BY LIHTC PRESERVATION PROPERTIES I, LP

WHEREAS, in 1990, the City of Reading provided, through the Berks Community Action Program, Inc. funds (the "CITY Loan") to Penn's Common Court Associates ("Penn's Common") for the financing of the Penn's Common Court Apartments as affordable housing for low income households; and

WHEREAS, in furtherance of its nonprofit purposes, Housing Development Corporation MidAtlantic ("HDC") is working to preserve the Penn's Common Court Apartments as residential rental apartments for low income households, which Apartments will be made subject to new deed restrictions to assure continued use as affordable housing for thirty (30) to forty (40) additional years (the "Period of Affordability"), as such period shall be determined by the terms of new financing for the acquisition and preservation of the property (the "Acquisition and Rehabilitation Financing"); and

WHEREAS, HDC has formed LIHTC Preservation Properties I, LP ("LIHTC LP") to purchase, rehabilitate and operate the Penn's Common Court Apartments as affordable housing for low income families for the Period of Affordability,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City of Reading hereby consents to the transfer and sale of the Penn's Common Court Apartments to LIHTC LP subject to the CITY Loan, and the assumption of the CITY Loan by LIHTC LP;

And **BE IT FURTHER RESOLVED**, that the CITY hereby consents to (i) the modification of the CITY Loan to extend the terms of maturity for periods coterminous with the Period of Affordability and (ii) the subordination of the liens of the CITY Loan to the liens of the Acquisition and Rehabilitation Financing in accordance with the requirements of such financing, and to such other terms and conditions for the assumption of the CITY Loan as set forth in the Loan Documents Assignment, Assumption and Modification Agreement and First Amendment to Mortgage and Note presented to this meeting;

And **BE IT FURTHER RESOLVED**, that the CITY hereby authorizes and directs its authorized representative or official to execute, in the name of the CITY, the Loan

Document Assignment, Assumption and Modification Agreement and First Amendment to Mortgage and Note.

Council _____, 2011

Passed

Attest: President of Council

City Clerk

Proof of Publication of Notice in Reading Eagle

Under Act No. 587, Approved May 16, 1929.

Commonwealth of Pennsylvania,
County of Berks

} ss:

Lynn Schittler, Assistant Secretary, READING EAGLE COMPANY, of the County and Commonwealth aforesaid, being duly sworn, deposes and says that the READING EAGLE established January 28, 1868 is a newspaper of general circulation published at 345 Penn Street, City of Reading, County and State aforesaid, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular edition and issues of the said READING EAGLE on the following dates, viz.:

Reading Eagle

Friday, November 4, 2011, A.D.

Effective July 1, 2002 Reading Times Ceased Publication. The Reading Eagle will be a daily morning and Sunday edition.

Affiant further deposes that this person is duly authorized by READING EAGLE COMPANY, a corporation, publisher of said READING EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place, character of publication are true.

Copy of Notice of Publication

**Redevelopment
Authority of the
County of Lancaster
Lancaster County,
Pennsylvania**
**NOTICE OF
PUBLIC MEETING AND
PUBLIC HEARING**

Notice is hereby given that the Redevelopment Authority of the County of Lancaster, Lancaster County, Pennsylvania (the "Authority") has scheduled a public meeting and will hold a public hearing on Tuesday, November 22, 2011 at 4:30 p.m. in the Authority's Conference Room in the Authority's offices located at 202 North Prince Street, Suite 400, Lancaster, Pennsylvania 17603-1594 to discuss, and take comment with respect to, the financing of the following project with exempt facility bonds for qualified residential rental projects pursuant to Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code"):

LIHTC Preservation
Partners I, LP Project

NAME OF APPLICANT,
INITIAL OWNER, AND
OPERATOR:
LIHTC Preservation
Partners I, LP
c/o Housing
Development
Corporation MidAtlantic
439 East King Street
Lancaster, PA 17602

ADDRESS OF PROJECT:
Penn's Common Court
(46 units)
1040 Penn Street
Reading, PA 19602-1200
(City of Reading,
Berks County)

TOTAL COST OF
PROJECT: Not to exceed
\$25,000,000

TOTAL AMOUNT OF
ISSUE: Not to exceed
\$25,000,000

PROJECT DESCRIPTION:
Proceeds of the Bonds
will be used to finance,
among other things, (i)
the acquisition and reha-
bilitation of the low in-
come residential rental
housing project known
as Penn's Common
Court; (ii) the funding of
capitalized interest on
the Bonds; (iii) the fund-
ing of a debt service re-
serve fund; and (iv) the
payment of a portion of
the costs of issuance of
the Bonds.

Members of the public
are invited to attend the
aforesaid public hearing
and meeting. The at-
tending public, on their
own behalf or by attor-
ney, are urged to pro-
vide information and
make statements con-
cerning the aforesaid
project. Members of the
public wishing to be
heard will need to regis-
ter at the hearing. Oral
comments will be limited
to not more than three
minutes per speaker.

BOND FINANCINGS OF
THE REDEVELOPMENT
AUTHORITY OF THE
COUNTY OF LANCASTER
ARE NOT OBLIGATIONS
OF THE COMMON-
WEALTH OF PENNSYLVA-
NIA; THE COUNTY OF
LANCASTER, NOR OF ANY
CITY, BOROUGH, TOWN-
SHIP, OR OTHER POLITI-
CAL SUBDIVISION OF THE
COMMONWEALTH OF
PENNSYLVANIA.

This Notice is published
in accordance with the
requirements of Section
147(f) of the Code.

REDEVELOPMENT
AUTHORITY OF THE
COUNTY OF LANCASTER

Lynn Schittler
Lynn Schittler

Sworn to and subscribed before me this 4th day of November, 2011

Theresa M. Sassaman
Notary

Statement of Advertising Costs

LANCASTER CO. - PUBLIC M

RAMIRO M CARBONELL ESQ.,
STEVENS AND LEE, 111 N. 6TH ST., PO BOX 679
READING, PA 19603

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
THERESA M. SASSAMAN, NOTARY PUBLIC
CITY OF READING, BERKS COUNTY
MY COMMISSION EXPIRES OCT. 23, 2014

To READING EAGLE, DR.:

For publishing the notice of publication
attached hereto on the above stated dates \$287.45

Probating same \$10.00

Total \$297.45

**RESOLUTION OF THE COUNCIL OF
THE CITY OF READING, PENNSYLVANIA**

WHEREAS, the Redevelopment Authority of the County of Lancaster (the “Authority”) is a public body corporate and politic organized and existing under the Urban Redevelopment Law, 35 P.S. 1701 *et seq.*, as amended and supplemented (the “Act”); and

WHEREAS, LIHTC Preservation Partners I, LP, a Pennsylvania limited partnership (the “Borrower”), has requested the assistance of the Authority in connection with the financing of a project (the “Project”) consisting of, among other things, (i) the acquisition and rehabilitation of the low income residential rental housing project known as Penn’s Common Court; (ii) the funding of capitalized interest on the Bonds (hereinafter defined); (iii) the funding of a debt service reserve fund; and (iv) the payment of a portion of the costs of issuance of the Bonds (hereinafter defined); and

WHEREAS, in order to finance the Project, the Borrower has requested the Authority to issue its Housing Revenue Bonds (LIHTC Preservation Partners I, LP Project), Series of 2011 in the principal amount of not to exceed \$25,000,000 (the “Bonds”); and

WHEREAS, the Council of the City of Reading, Pennsylvania (the “Council” when referring to the legislative body and the “City” when referring to the governmental unit governed thereby) approves the financing of the Project for the benefit of the Borrower and in accordance with the Act consents to the financing of Penn’s Common Court within the City; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), the Authority held a public hearing with respect to the Project on November 22, 2011 after publishing notice thereof in accordance with Regulations promulgated pursuant to the Code and the Authority has reported the results of such public hearing to the Council; and

WHEREAS, pursuant to Section 147(f) of the Code, the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Project is located must approve the issuance of the debt after a public hearing following reasonable public notice; and

WHEREAS, pursuant to the Code, the term “applicable elected representative” means, among other things, the elected legislative body of the governmental unit on behalf of which the Note is issued; and

WHEREAS, the Council is an “applicable elected representative” of the City within the meaning of the Code; and

WHEREAS, the Council desires to authorize and direct the Mayor, or in his absence, any member of Council to act on its behalf as such “applicable elected representative.”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Reading,
as follows:

In connection with the financing of the Project by the Authority, the Council hereby declares it to be desirable for the health, safety and welfare of the people of the City in the area served by the Borrower to have the Project provided by, and financed through, the Authority within the City in accordance with the Act and the Code.

The Council hereby empowers, authorizes and directs the Mayor, or in his absence, any of its members, to execute and deliver an “approval of applicable representative” in the form attached hereto; provided, that, such approval shall be delivered only following a public hearing, which has followed reasonable public notice, with respect to the Project. The Council intends that this Resolution and the subsequent execution and delivery of the approval of “applicable elected representative” by the Mayor or any member of Council of this City shall constitute the “approval by a government unit” required by Section 147(f) of the Code.

The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the City, nor shall the City be liable for the payment of the principal of, or interest on, any obligations issued by the Authority.

This Resolution shall become effective immediately.

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence or clause of this Resolution, it being the intent of this City that such remainder shall be and remain in full force and effect.

All resolutions or parts of resolutions inconsistent herewith are repealed.

DULY ADOPTED, THIS ____ DAY OF _____, 2011, BY THE COUNCIL
OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL
REGULAR SESSION DULY ASSEMBLED.

CITY OF READING
Berks County, Pennsylvania

(SEAL)

By: _____
Vaughn D. Spencer, President of Council

Attest: _____
Linda A. Kelleher CMC, City Clerk

EXHIBIT "A"

APPROVAL OF APPLICABLE ELECTED REPRESENTATIVE

I, the undersigned Mayor of the City of Reading, Pennsylvania (the "City"), hereby approve the following Project of the Redevelopment Authority of the County of Lancaster:

NAME OF APPLICANT:

LIHTC Preservation Partners I, LP
c/o Housing Development Corporation
MidAtlantic
439 East King Street
Lancaster, PA 17602

ADDRESS OF PROJECT:

Penn's Common Court
(46 units)
1040 Penn Street
Reading, PA 19602-1200
(City of Reading, Berks County)

TOTAL COST OF PROJECT:

Approximately \$25,000,000

MAXIMUM AGGREGATE FACE
AMOUNT OF DEBT TO BE ISSUED:

Not to exceed \$25,000,000

PROJECT DESCRIPTION:

The proceeds of the debt to be issued will be used to finance a project on behalf of the Applicant consisting of, among other things, (i) the acquisition and rehabilitation of the low income residential rental housing project known as Penn's Common Court; (ii) the funding of capitalized interest on the debt; (iii) the funding of a debt service reserve fund; and (iv) the payment of a portion of the costs of issuance of the debt.

The approval hereby granted is limited in operation and effect to the Internal Revenue Code of 1986, as amended, and the regulations promulgated with respect thereto, and shall not create any liability or obligation on the part of the City.

Date: _____, 2011

By _____

Thomas J. McMahon, Mayor

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA
CONSENTING TO THE BORROWING OF UP TO \$6,635,000 BY THE READING
PARKING AUTHORITY.**

WHEREAS, The City of Reading (the “City”) has previously guaranteed certain credit facilities made available to the Reading Parking Authority (the “Authority”) under the terms of that certain Trust Indenture, dated as of April 1, 1993 (as supplemented, the “Parking Indenture”) between the Authority and US Bank, National Association, as successor trustee; and

WHEREAS, as a condition of the City’s guarantee of the prior indebtedness issued under the Parking Indenture, additional debt incurred by the Authority requires the consent of the City, regardless of whether the City provides a guarantee for the additional debt; and

WHEREAS, the Board of Authority contemplates undertaking a project (collectively the “Project”) consisting of the following: (i) refinancing of its Parking Revenue Note, Series of 2009 and (ii) paying related costs and expenses related thereto; and

WHEREAS, the Authority, subject to the approval of the City, desires to finance the Project by issuing a parking revenue note (the “Note”), in an amount not to exceed \$6,635,000; and

WHEREAS, the Authority has not requested the City to guaranty the obligations of the Authority under the Note.

WHEREAS, the City desires to consent to the Authority’s issuance of the Note to finance the Project on the terms specified above.

**NOW THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:**

That the City of Reading hereby consents to the issuance by the Reading Parking Authority of additional debt in the amount of up to Six Million Six Hundred Thirty-Five Thousand Dollars (\$6,635,000) on the terms specified above in order to finance the Project.

Passed Council_____,2011

President of Council

Attest:

City Clerk



AGENDA MEMO

THOMAS McMAHON, MAYOR
CARL GEFFKEN, MANAGING DIRECTOR

TO: City Council
FROM: Carl Geffken, Managing Director
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: December 12, 2011
AGENDA MEMO DATE: December 7, 2011
REQUESTED ACTION: Council approve a resolution to authorize the City of Reading to file a Redevelopment Assistance Capital Program Grant for the construction of the African-American Museum and Cultural Center

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the City of Reading to file a funding proposal through the State Redevelopment Assistance Capital Program to receive funding (\$3,000,000.00) for the construction of the African-American Museum and Cultural Center.

BACKGROUND

The State Redevelopment Assistance Capital Program provides funding to assist local communities in revitalizing their economy. The capital project for the construction of the African-American Museum and Cultural Center is an eligible project for such assistance.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the City of Reading to file a Redevelopment Assistance Capital Program grant proposal for the construction of the African-American Museum and Cultural Center.

RESOLUTION _____-2011
CITY OF READING CITY COUNCIL

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the African-American Museum and Cultural Center Construction Project as a project eligible for such assistance (the "Project"); and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the construction of the African-American Museum and Cultural Center.

NOW THEREFORE BE IT RESOLVED, that the Mayor is authorized to file an application for RACP funds in the amount of \$3,000,000.00 for the African-American Museum and Cultural Center Construction Project. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

Adopted on _____, 2011

Vaughn Spencer
President of Council

ATTEST:

Linda A Kelleher
City Clerk

RESOLUTION NO. _____-2011

At a duly called meeting of the City of Reading held on December 12, 2011, the following resolution was introduced and adopted:

BE IT RESOLVED by the City of Reading as follows:

1. **Determination of Need.** The City of Reading has determined that a true and very real need exists for the acquisition of four (4) recycling trucks to perform the in house collection of recyclable materials. The City of Reading has executed a contract dated November 10, 2011 between the City of Reading, Pennsylvania and Kansas State Bank of Manhattan.

2. **Approval and Authorization.** The City of Reading has determined that the contract is in the best interests of the City of Reading for the acquisition of the equipment and the City of Reading does hereby approve the entering into of the contract and hereby designates and authorizes the following person(s) to execute and deliver the contract on behalf of the City of Reading with such changes thereto as such person(s) deem(s) appropriate and any related documents, including an escrow contract, necessary to the consummation of the transaction.

Authorized Individual(s): Carl E. Geffken, Managing Director and Christopher Zale, Controller.

3. **Adoption of Resolution.** The signatures below from the designated individuals from the City of Reading adopt this Resolution.

Council President

Attest:

City Clerk

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That the Managing Director is designated the FEMA agent as per the
Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

BILL NO. _____2011

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE 2012 SOLID WASTE TRASH REMOVAL FEE FOR THE CITY OF READING.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The 2012 Solid Waste Trash Removal fee is hereby set at \$204.65 per year payable quarterly. Any fee which remains unpaid on December 31, 2012 shall incur a 10% penalty and be subject to costs of collection.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to provision above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2011
AN ORDINANCE

AN ORDINANCE ESTABLISHING THE 2012 SOLID WASTE RECYCLING FEE FOR THE CITY OF READING.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The 2012 Solid Waste Recycling fee is hereby set at \$81.03. Any fee which remains unpaid on December 31, 2012 shall incur a 10% penalty and be subject to costs of collection.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to provision above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**BILL NO. _____ -2011
AN ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 11, HOUSING - RENTAL, PART 1, PROVIDING FOR THE ISSUANCE, DENIAL, OR REVOCATION OF RENTAL HOUSING PERMITS; AUTHORIZING THE ZONING ADMINISTRATOR TO APPROVE OR DENY THE ISSUANCE OF ZONING PERMITS FOR PREVIOUSLY REGISTERED RENTAL UNITS AND TO DENY NON-CONFORMING APPLICATIONS; PROVIDING FOR ANNUAL RENTAL HOUSING PERMITS; ESTABLISHING A SURCHARGE FOR FAILING TO APPLY FOR TIMELY RENEWAL OF A RENTAL HOUSING PERMIT; PROSCRIBING THE FAILURE TO TIMELY APPLY FOR A NEW RENTAL PERMIT FOLLOWING THE ACQUISITION OF RENTAL PROPERTY AND DECLARING THE SAME AN OFFENSE; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR OPERATING RENTAL HOUSING WITHOUT APPLYING FOR A REQUIRED PERMIT; PROVIDING FOR THE REVOCATION OF RENTAL HOUSING PERMITS GRANTED UPON APPLICATIONS CONTAINING MATERIAL MISREPRESENTATIONS, ERRORS OR OMISSIONS; PROVIDING FOR THE REGISTRATION OF VACANT RESIDENTIAL PROPERTY, AND REPEALING AND RECREATING CHAPER 11, AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Codified Ordinances Chapter 11 regarding Rental Housing Permits, as attached in Exhibit A

SECTION 1: Amending Chapter 20 Solid Waste of the Codified Ordinances Section 102. Authorization of Recycling Collection #3, A (3), §20-104. Collection Requirements #1 A and #2 to allow for placement of all containers after 6p.m. the day before pick up and removal of all containers by daybreak of the day after pickup per Exhibit A as attached hereto.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2011

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A
CHAPTER 11, SECTION 1

§11-102. Definitions.

This section is amended to change or add the following definitions:

ROOMING UNIT - *an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.*

REGISTRATION - ~~the completed filing of an appropriate Application for Registration and Issuance of a Rental Housing Permit for a specific property.~~

RENTAL HOUSING PERMIT - *A permit issued by the City of Reading Property Maintenance Division per the procedure established by this Chapter and the policies created in accordance therewith.*

VACANT PROPERTY - *A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is continuously unoccupied by the same individual or basic family unit as a residence from more than ninety (90) days and/or it is unoccupied and has been voluntarily or involuntarily disconnected or suspended from one or more of the following public or private utilities or services: water, natural gas, electric or fuel oil.*

§11-103. Rental Housing ~~Registration and~~ Permit Required.

No person or entity shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging ~~suitable~~ for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for ~~Registration and Issuance of~~ a Rental Housing Permit.

1. Applications for ~~and registration of~~ a Rental ~~property~~ *Housing Permit* for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable ~~registration~~ fee *and a copy of the Deed*. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit: [Ord. 22-2009]

- A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, *limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.*
- B. The name, business address, date of birth and telephone numbers, (business and mobile), of *an authorized local agent and/or property manager.* ~~as required by this Part.~~
- C. The owner(s), ~~property manager and responsible local agent~~ shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, *limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual. [Ord. 22-2009]*
- D. The address of the premises at which the dwelling unit or rooming unit is located.
- E. Identification of the rental unit as a dwelling unit or rooming unit.
- F. The number *of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.*
- G. A copy of zoning permit authorizing ~~or registering~~ the dwelling unit or rooming unit as a *residential* unit shall be attached. ~~If the dwelling unit or rooming unit contains more than one unit, then~~ The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. *(See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)*
- H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler. ~~Alternatively, proof of current participation of the dwelling unit or rooming unit on the City of Reading trash collection program.~~
- I. Proof of *current* participation of the property address in the City of Reading recycling program.
- J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.

- K. The owner shall furnish with the *Application* for ~~Registration and Issuance~~ *a Rental Housing Permit* *photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon.* If there are changes *subsequently* made to the floor plan, the owner shall submit *a revised floor plan, drawn to scale, with the next application (for re-issue or renewal)* submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions. [Ord. 22-2009]
- L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part. [Ord. 22-2009]
- M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division. [Ord. 22-2009]
- N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application. [Ord. 43-2008]

2. *Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.*

- A. *Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an **Application for a Rental Housing Permit**. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.*
- (i) *If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a*

zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.

(ii) If the subject property had a valid "Housing Permit" as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

- B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.*
- C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.*

§11-105. Annual Renewal of Rental Housing Permit.

1. Effective January 2, 2012, each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permit shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee ~~as adopted by formal resolution of City Council.~~

2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage for the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further

require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3. *Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per rental unit for each month or fraction thereof following the said deadline. Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.*

4. *Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.*

5. *In the event of revocation of the Rental Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.*

6. *Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.*

7. *In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.*

§11-106. Denial of Application for a Rental ~~Registration~~ Housing Permit.

1. A Rental ~~registration~~-*Housing Permit* shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

2. *The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.*

~~*The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a Rental Housing Permit therefore has not been filed with the Property Maintenance Division as required by this Part. [Ord. 22-2009]*~~

3. *The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Rental Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion*

§11-107. Revocation of a Rental ~~Registration~~ Housing Permit.

1. The City of Reading Property Maintenance Division, ~~the municipality~~ shall have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

2. *The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.*

3. *A notice of a revocation of a Rental Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.*

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property *by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the*

requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.

2. A Rental ~~registration~~ **Housing Permit** issued hereunder *does not attach to the real estate title and* does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new ~~registration~~ **Rental Housing Permit** to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new ~~registration~~ **Rental Housing Permit** shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.

3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. *Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.*

4. *The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided hereinabove shall result in the imposition of non-compliance surcharge of \$1,000 per unit to the application fee. In addition, written notice of non-compliance shall be mailed to the new owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 day from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.*

5. Upon payment of the fees and surcharges set forth in subsection 4 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for

conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

~~The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided herein shall **shall assess an application surcharge of \$1,000 per unit and provide the owner 15 days to submit such application, with such notice being posted on the property; failure to submit a complete application within the proscribed time shall result in the assessment of a fee of \$100 per unit per day until such time a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said fees shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection. Upon timely payment of said fees, a property owner may request in writing an administrative hearing to dispute a finding of operating unpermitted rental housing before the Director of the Department of Community Development or such person who may be designated by the same; the property owner will be notified in writing as to the hearing date, which shall be within 30 days of the request, and a written statement of findings of facts shall be issued by the hearing officer within 15 days of said proceeding. Failure by the owner to appear for said hearing shall result in an automatic finding of operating unpermitted rental housing.**~~

§11-109. Inspection.

1. Initial Inspection.

~~A. Except as provided herein, all properties for which a rental registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last 5 years, been owner occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including, but not limited to, renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property. [Ord. 22-2009]~~

A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental ~~registration~~ Housing Permit and receipt of payment of the applicable fee ~~for rental registration~~, the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and

interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.

- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the **Rental Housing Permit** ~~registration~~. Occupancy of the dwelling unit or rooming unit is prohibited until a ~~registration~~ **Rental Housing Permit** is issued.

2. Renewal Inspections

- A. An inspection of a rental unit *as defined in this Chapter* shall be performed by Property Maintenance Division *if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 3 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program. [Ord. 22-2009]*
- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, *make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.*
- C. In the event the *Property Maintenance Division Official* performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division *shall withhold the renewal of the Rental Housing Permit until the violations are corrected*

and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the *revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated.* The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the *Rental Housing Permit registration.* [Ord. 22-2009]

D. Deleted

3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances. [Ord. 22-2009]
4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report. [Ord. 22-2009]
5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. [Ord. 22-2009]
6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

7. Failure to Appear for Inspection. If the owner or ~~his/her local responsible~~ *authorized agent* cannot be available at the proposed time, said owner or *authorized agent* ~~representative~~ shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner ~~or representative of the owner~~ failing to supply written notice or appear. If the property owner or ~~his representative~~ *authorized agent* fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or ~~his representative~~ *authorized agent* fails to appear for the third scheduled inspection, the City ~~may shall file a suit with the Magisterial District Justice seeking a minimum fee of \$400. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this Code or the City of Reading Property Maintenance Code~~ *Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly apply for an seek an administrative search or inspection warrant from to a court of competent jurisdiction by and shall supplying all necessary affidavits and testimony to indicate that there is a in support thereof. reasonable or and probable cause to conduct an inspection.*

~~Failure of an owner or his/her local responsible agent to appear for an inspection as part of an initial application or renewal inspection as required to obtain or renew a Rental registration Housing Permit and the time necessary to reschedule an inspection shall extend the time provided the City of Reading to schedule an inspection per said requirements and make a determination on an application.~~

~~Additionally, failure to appear for an inspection for the purposes of an administrative search or inspection warrant includes the third cancellation of the inspection with or without prior notice to the Property Maintenance Division.~~

~~Failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises. [Ord. 105-2010]~~

~~(Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 71-2007, 9/24/2007, §1; by Ord. 55-2008, 9/8/2008, §1; and by Ord. 65-2008, 10/13/2008, §1; by Ord. 22-2009, 4/27/2009, §§1-3; and by Ord. 105-2010, 12/27/2010, §1)~~

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a *Rental Housing Permit* on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

- A. Name, mailing address and telephone number (*business and mobile*) of owner.
- B. Name, mailing address and telephone numbers (*business and mobile*) of local ~~responsible~~ *authorized agent*.

- C. Number of occupants/tenants ~~dwelling units~~ permitted to occupy said rental unit or rooming unit as authorized by the City of Reading Codified Ordinances including, but not limited to, the Zoning Ordinance [Chapter 27] and Property Maintenance Code [Chapter 5, Part 6].
- D. Date of last application inspection, ~~e.g., initial or renewal.~~
- E. ~~A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.~~ Date of last inspection.
- F. ~~Date of issuance of permit.~~
- G. ~~Date of required renewal of permit.~~
- H. ~~Printed name of person issuing permit.~~
- F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- G. Date of issuance of permit.
- H. Date of required renewal of permit.
- I. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The ~~Rental registration~~ *Housing Permit or an identical, clear and legible photocopy thereof* shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit ~~in a manner available for inspection so that the same is visible and observable from outside the building at the front of the property~~ by City Code officials, *Property Maintenance Division, or emergency personnel.*

§11-112. Local Responsible Agent.— Reserved.

1. ~~**Designation.** Any owner who rents, leases or lets a dwelling unit or rooming unit shall designate and appoint an adult individual to serve as the responsible local agent for such dwelling unit or rooming unit. The owner and responsible local agent shall be jointly and severally legally responsible for operation of the dwelling unit and rooming unit and its compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall also be responsible for providing the Code Official with access to the dwelling unit or rooming unit for the purpose of making inspections necessary to ensure such compliance. A responsible local agent is required to reside within Berks County, Pennsylvania. An owner may designate him/herself as a responsible agent if s/he resides within Berks County, Pennsylvania.~~

2. Posting of Responsible Local Agent. The name, address, and contact information including, but not limited to, telephone number, business and cell of the responsible local agent shall be conspicuously posted and maintained in the dwelling unit or rooming unit and shall be available for inspection by the City Code Officials upon request. Failure to maintain posting and maintenance of the information of the responsible local agent as required herein shall subject the owner to penalties of this Part.

§11-113 Occupation of Premises Without Rental ~~Registration~~ Housing Permit.

1. **Prohibition.** It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current ~~In the event a city official determines a dwelling or rooming unit is being occupied unlawfully, a placard shall be placed upon the premises advising that application for a Rental Housing Permit must be submitted within 15 days and the property owner shall be assessed \$1,000 for each unit; failure to submit an application for a Rental Housing Permit within the allotted time shall result in a fee of \$300 per unit per month or portion thereof until such time the required application is received by the city. Said fees shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection. In the event an owner disputes the assessment of said fees, upon timely payment thereof, the owner may request an administrative hearing as provided for in §11-103.~~ rental registration Rental Housing Permit is obtained for such dwelling unit or rooming unit.

2. **Surcharge.** *In the event an authorized City official determines that a dwelling or rooming unit is being occupied unlawfully under this Chapter a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be mailed to the owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.*

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property

Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

- A. It shall be the duty of every owner *and* operator, ~~responsible~~ *authorized* agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.
- B. It shall be unlawful for any person *or entity* to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without ~~having a rental registration or a rental license~~ *a valid and current Rental Housing Permit*.
- C. ~~The owner, operator, responsible agent or manager shall include the amendment attached hereto as the addendum to rental agreement in each lease of a rental unit taking effect on or after May 1, 2007. Said amendment is hereby considered to be a part of every lease of a rental unit in the City of Reading executed on or after May 1, 2007.~~
- C. It shall be the responsibility of every owner, operator, *authorized* agent or manager to employ policies and ~~to~~ manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.

- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed. (Ord. 28-2007, 7/23/2007, §1)

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each persons shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.
(Ord. 28-2007, 7/23/2007, §1)

§11-116 - Fees for Rental ~~Registration~~ Housing Permit

1. Fee Schedule

Fees required for *an application for, and annual renewal of, a Rental ~~registration~~ Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.*

A. ~~Permit.~~

(1) ~~Single rented dwelling unit \$100 per year [Ord. 48-2010]~~

(2) ~~Each single room (rooming unit) \$25 per year~~

5. ~~Fee Nonrefundable.~~ ~~The fee paid as part of the Application for Registration and Issuance of a for a Rental Housing Permit rental registration or any renewal thereof is nonrefundable regardless of whether the application is approved.~~

B. ~~Reinspection.~~ ~~The initial and first subsequent inspection upon an application for either an initial or renewal shall be included in the permit fee. A fee in the amount of \$25 shall be charged for any third or subsequent inspection required for approval of an initial or 3 year renewal application. [Ord. 38-2009] [Ord. 55-2008]~~

2. Number of Units. For the purpose of determining the number of units or rooms to be included in a permit, the following definitions shall apply:

A. ~~Efficiency apartments and rented rooms used for purposes other than sleeping shall be considered a dwelling unit.~~

B. ~~Any dwelling unit or room occupied by the owner/operator of a multiple unit dwelling shall be included in the total number of units or rooms, as well as any unit or room occupied by the spouse, son, daughter, mother, father, sister or brother of the owner or operator.~~

3. Waiver of Fees. The permit fees established in subsection (1) above shall be waived under the following conditions:

A. ~~If the owner, or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the unit.~~

B. ~~If the owner or operator is the United States government, the Commonwealth of Pennsylvania, the City of Reading, Pennsylvania, or any agency thereof.~~

C. ~~If the owner or operator is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits of which inure to the benefit of any private shareholder, individual, corporation or partnership.~~

D. ~~Licensed real estate brokers or agents or financial institutions that purchase or acquire dwellings for the sole purpose of resale of the property shall be exempt from obtaining a rental registration. [Ord. 22-2009]~~

E. ~~Persons who have acquired property for the sole purpose of renovating and resale of the property may be exempt from obtaining a rental registration based upon approval of an application for exemption on the form prescribed. [Ord. 22-2009]~~

4. Effect of Waiver of Fees. ~~The waiver of fees contained in subsection (3), above, shall not exempt the owners or local responsible agent from compliance with this Part and all other applicable Codes, Codified Ordinances, rules, regulations of the City of Reading and laws of the Commonwealth of Pennsylvania, unless otherwise specifically exempted herein.~~

5. Fee Nonrefundable. The fee paid as part of the application for a rental registration is ~~§11-117~~ — no changes

§11-117 - Vacant Property Registration

1. A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property Maintenance

Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.

- 2. The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.*
- 3. Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.*
- 4. Vacant property registrations shall be valid for not more than 180 days and are required be renewed on or before 180 days on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee shall be required at the time of renewal.*
- 5. Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.*
- 6. Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.*

§11-118 Tenant Information.

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a **Rental Housing Permit** ~~rental registration~~, the owner ~~or the local responsible agent~~, on or before ~~March~~ **April** 1 and ~~August~~ **September** 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a ~~rental registration~~ **Rental Housing Permit**, the full name, unit, floor or apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students. [Ord. 22-2009]
2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit. [Ord. 22-2009]
3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required.[Ord. 22-2009]
4. Failure to provide the required information or failure to update such information as required by this Part are hereby made subject to the penalties set forth in this Part. (Ord. 28-

2007, 7/23/2007, §1; as amended by Ord. 71-2007, 9/24/2007, §1; by Ord. 43-2008, 8/25/2008, §1; and by Ord. 22-2009, 4/27/2009, §§2, 3)

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be *mailed to or personally* served on the owner with a copy to the *registered, authorized* agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to *the* address of record of the owner and ~~local responsible~~ *registered, authorized* agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided *to the Property Maintenance Division and in the absence of the same the address provided* by the County of Berks. Any owner change of address must be performed through the County of Berks Recorder of Deeds/Assessment Office. The address of record of the *authorized* agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the *authorized* agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part. (Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 22-2009, 4/27/2009, §1)

~~§11-120. Denial or Nonrenewal of a Rental Registration for Failure to Comply with Application, Chapter and/or Failure to Pass Inspection. [Ord. 22-2009]~~

- ~~1. **Timing.** A decision to deny or not renew an application for a rental registration for the reasons set forth herein shall be made within 15 working days of receipt of the application with payment of appropriate fee as indicated on the time stamp by the Property Maintenance Division. This time period shall be extended to 15 working days after performance of an inspection where an inspection is required. [Ord. 22-2009]~~
- ~~2. **Basis for Denial or Nonrenewal under this Part.**~~
 - ~~A. A rental registration shall be denied and/or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Part. [Ord. 22-2009]~~
 - ~~B. An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Part including, but not limited to, the posting requirements, submission of tenant listing, failure to appear for more than one schedule inspection, failure to appear for a scheduled court hearing and noncompliance with owner's duties.~~

C. ~~A rental registration shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a renewal inspection as required by §11-109(1) and (2) of this Part. [Ord. 22-2009]~~

D. ~~A rental registration shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared unfit for human habitation and/or condemned by appropriate authority with jurisdiction or an owner or his/her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading. [Ord. 22-2009] [Ord. 55-2008]~~

3. ~~**Notice.** Notification of the decision to deny or not renew an application for an initial or renewal of a rental registration shall be issued by the Administrator of the Property Maintenance Division or his/her designee within 15 working days of receipt of the application. The notification shall specify the reason for denial or refusal to renew an application for a rental registration citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Part. [Ord. 22-2009]~~

4. ~~**Right to Cure.** At the discretion of the Administrator of the Property Maintenance Division or his/her designee notification of the denial or nonrenewal of a rental registration may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the denial or refusal to renew a rental registration. Upon failure of the owner or local responsible agent to cure the basis for the denial within the time period given, the decision of the Property Maintenance Division Administrator or his/her designee to deny or not renew a rental registration shall stand and the sole recourse shall be an appeal. Nothing in this Section is to interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and renewal inspection process. [Ord. 22-2009]~~

5. ~~**Appeal.** The denial of an initial or renewal application for a rental registration for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of notification of such denial. [Ord. 22-2009]~~

~~**§11-121. Suspension or Revocation of Rental Registration.** [Ord. 22-2009]~~

1. ~~**Warning Notice Required Prior to Suspension of Rental Registration.** [Ord. 22-2009]~~

- ~~A. Prior to suspension or revocation of a rental license Rental Housing Permit, the Code Official shall provide written notice of violation to the owner of any dwelling unit or rooming unit.~~
- ~~B. The written notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit and the owner's responsible local agent that a written correction plan shall be submitted to the Code Official within 5 days after receipt of the notice of violation. Failure to submit an acceptable correction plan will result in suspension or revocation of all applicable rental registrations Rental Housing Permits.~~
- ~~C. The notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit that the owner may request an informal meeting with the Code Official to discuss the violations within 5 days of the receipt of the notice of violations. Owners requesting a meeting may request that the owner's responsible local agent represent the owner and act on the owner's behalf.~~
- ~~D. This subsection shall be issued in conjunction with and not in lieu of the requisite notices of violations regarding under City of Reading Codes including, but not limited to, the Property Maintenance Code [Chapter 5, Part 6].~~
- ~~E. The notice of violation/warning and notice of suspension or revocation shall be served in accord with the official notice requirements set forth in this Part. Additionally such notices shall be also be served via certified mail return receipt requested with date of receipt determined by date of execution of return receipt. Provided, that should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail, notice was received within five mail (Monday-Saturday) days of date of mailing.~~
- ~~F. No change~~

~~2. ——— **Suspension or Revocation Procedures.**~~

- ~~A. The Code Official shall notify the owner of the suspension or revocation of a rental license Rental Housing Permit for a dwelling unit or rooming unit by written notice sent by first class mail and certified mail or delivered in person should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five mail (Monday-Saturday) days of date of mailing. The notice shall advise the owner of the property address of the dwelling unit or rooming unit, the effective dates of the suspension or revocation, the reason for the suspension or revocation, the effect of the suspension or revocation, penalties that can be imposed for violation of the suspension and appeal rights and procedures.~~
- ~~B. The Code Official shall set forth the effective date of the suspension or revocation~~

~~in such manner so that suspension or revocation commences on the first day following expiration of the 10 days to file an appeal of the Code Official's determination.~~

~~C. No rental registration Rental Housing Permit shall be renewed for 6 months for the first suspension or revocation and 12 months for each subsequent suspension or revocation within a 5 year period beginning on the effective date of the suspension or revocation. [Ord.22-2009]~~

~~D. During the time a rental license Rental Housing Permit is suspended or revoked, if any additional violations occur against the dwelling unit or rooming unit, the rental license Rental Housing Permit suspension or revocation may be extended up to an additional 12 months.~~

3. ~~**Effect of Suspension.** Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/ lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing violations relating to such rental property or void any existing suspension or revocation relating to such rental property. [Ord. 55-2008]~~

4. ~~**Defense.** When tenants and/or occupants are culpable for violations resulting in a suspension notice, the owner may request reinstatement of the rental registration Rental Housing Permit upon eviction of the tenants, provided the owner is current with submission of tenant listings as required by this Part. [Ord. 22-2009]~~

5. ~~**Appeal Procedure for Suspension or Revocation Initiated by the Code Official.** An appeal of a suspension or revocation of a rental registration Rental Housing Permit shall be made by submitting the appropriate fee and a request for an appeal to the Housing Board of Appeal in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of the notice of suspension or revocation. [Ord. 22-2009]~~

6. ~~**Basis for Suspension or Revocation.** A rental registration Rental Housing Permit shall be suspended or revoked at the discretion of the Administrator of the Property Maintenance Division or his/her designee if egregious, severe, life threatening, health and welfare or repetitive, continued violations of the offenses set forth in subsection (7) exist at the dwelling unit or rooming unit without any attempt to cure or remedy the problem or submission of a timely rehab plan and lack of response to notices of violations issued by the appropriate authority. [Ord. 22-2009]~~

7. **Offenses.** For purposes of this Part, offenses are those as set forth, but not limited to, the following ordinances or statutes:

- ~~A. *Occupancy*. Refers to regulations relating to occupancy of rooming units, dwelling units and dwellings as contained in Chapter 5 (Code Enforcement) and Chapter 27 (Zoning) of the Codified Ordinances of the City of Reading.~~
- ~~B. *Refuse*. Refers to regulations relating to garbage, rubbish and refuse, under the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, Health Code, Chapter 10 and Solid Waste and Recycling Ordinance, Chapter 20.~~
- ~~C. *Property Maintenance (Interior and Exterior)*. Refers to regulations as governed by the City of Reading Property Maintenance Code in Chapter 5 of the City of Reading.~~
- ~~D. *Sidewalks*. Refers to regulations relating to snow and ice removal contained in the Streets and Sidewalks, Chapter 21 of the City of Reading Codified Ordinances.~~
- ~~I. *Noise*. Refers to regulations relating to Noise Disturbance, and Conduct, Chapter 6 of the City of Reading Codified Ordinances.~~
- ~~J. *Vegetation*. Refers to regulations relating to Brush, Grass and Weeds, per the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, and Health Code, Chapter 10.~~
- ~~K. *Disorderly Conduct*. Refers to enforcement by the City of Reading Police Department of §5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, 18 Pa.C.S.A. §5503, and Chapter 6, Conduct, of the City of Reading Codified Ordinances.~~
- ~~L. *Dogs*. Refers to regulations relating to Animals and Health under Chapters 2 and 10 of the City of Reading Codified Ordinances.~~
- ~~I. *Fire Prevention Code*. Refers to regulations to the City of Reading Fire Prevention Code as provided for in Chapter 5, Code Enforcement, and Chapter 7, Fire Prevention and Protection, of the City of Reading Codified Ordinances.~~
- ~~J. Zoning violations and related offenses per Chapter 27 of the City of Reading Codified Ordinances.~~
- ~~K. Violation of Chapter 5 of the City of Reading Codified Ordinances regarding Code Enforcement including, but not limited to, the City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8].~~
- ~~L. Failure to appear in court and related offenses.~~
- ~~M. Any other offense that renders the dwelling, unit, or room inhabitable.~~

~~At the discretion of the issuing authority, the City of Reading Property Maintenance Division, the municipality shall have the authority to revoke or suspend the rental rental registration Rental Housing Permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 1], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction. [Ord. 22 2009]~~

8. ~~**Immediate Suspension or Revocation.** Placarding and condemning of a property per the City of Reading Property Maintenance Code [Chapter 5, Part 6] shall result in immediate suspension or revocation of a rental registration Rental Housing Permit. Notwithstanding any other provision of this Part, the permit shall be reinstated upon performance of an inspection, payment of the appropriate fee for removal of the placard per the Property Maintenance Code [Chapter 5, Part 6] and submission with the appropriate fee and approval of an application for a rental registration. [Ord. 22 2009]~~

9. ~~**Suspension and Disruptive Conduct.** Nothing in this Section shall be interpreted to preclude enforcement under the disruptive conduct Section [§11-123] set forth herein.~~

10. ~~**Reinstatement of Rental Registration Housing Permit Subsequent to Suspension or Revocation.** To obtain reinstatement of a rental registration Rental Housing Permit subsequent to a suspension or revocation and period therefor, an owner must resubmit an application and undergoing the process for an initial application including, but not limited to, undergoing an inspection and payment of the appropriate fee. [Ord. 22 2009]~~

11. ~~**Notice.**~~

A. ~~**Form.** A notice of a suspension or revocation of a rental registration Rental Housing Permit shall set forth the information required herein and be in a form accordance with all of the following: [Ord. 22 2009]~~

~~(1) Be in writing.~~

~~(2) Include a description of the real estate sufficient for identification.~~

~~(3) Include a statement of the violation or violations and why the permit is being suspended or revoked.~~

~~(4) The time period for the suspension or revocation of the permit.~~

~~(5) Inform the property owner of the right to appeal.~~

~~§11-122~~ §11-120. Violation and Penalties Placarding and Condemnation

1. ~~**Violations.** It shall be unlawful for any person, as either owner or local responsible agent of a rental dwelling unit or rooming unit for [which] a rental registration~~ ***Rental Housing Permit*** ~~is required, to operate without a valid, current permit issued by the City of Reading authorizing such action. It shall also be unlawful for any person, either owner or local responsible agent, to allow the number of occupants of dwelling unit or rooming unit to exceed the maximum limit as set forth on the license or to violate any other provision of this Part, including, but not limited to, failure to timely submit a tenant listing and renew a rental registration~~ ***Rental Housing Permit*** ~~. Further, it shall be unlawful for any occupant to violate this Part. [Ord. 22-2009]~~
2. ~~**Prosecution of Violation.** If the above violations are not corrected, the Administrator of the Property Maintenance Division or his/her designee or code official shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Notwithstanding the above, nothing will prevent the Administrator of the Property Maintenance Division or his/her designee or code official from commencing a summary offense criminal action via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction and the violation shall be deemed a strict liability offense. [Ord. 22-2009]~~
3. ~~**Collections.** All bills or accounts governed by this Part which are not paid by May 1 of each year or within 60 days of application from date of application/original date of billing shall be turned over to a collection agency for receipt.~~
4. ~~**Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$75 and not more than \$500 plus costs and restitution. In default of payment of said fine and costs to a term of imprisonment of not more than 90 days. Each day that violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Such penalties shall be exclusive of the doubling of the permit fee for untimely payment and submission thereof to collections as well as suspension or revocation of permit for failure to pay.~~

~~**Placarding and Condemning.** The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector Division, vacation within a specific and a reasonable amount of time for vacation, of a property that is being rented and for which a registration *Rental Housing Permit* therefor has not been obtained with or for which an~~

inspection has not been performed or completed by the Property Maintenance Division as required by this Part. ~~[Ord. 22-2009]~~ *Section 109 of this Chapter.*

5. ~~Nonexclusive Remedies.~~ The penalty and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

~~§11-123. Disruptive Conduct.~~

~~§11-121. Disruptive Conduct.~~

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the *Disruptive Conduct Report* shall be given or mailed to the occupant and mailed to the owner ~~and local responsible agent~~ within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Appeals.** The occupant ~~and/or owner or local responsible agent~~ shall have 10 working days from the date of receipt of a *Disruptive Conduct Report* to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Administrator of the Property Maintenance Division. An appeal of the second disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second *Disruptive Conduct Report*. ~~[Ord. 22-2009]~~

3. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by *Disruptive Conduct Reports*, the owner ~~or local responsible agent~~ shall have 10 working days from the date of ~~his/her receiving~~ the *written* notice to begin eviction proceedings against the occupant(s) *and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division.* The owner ~~or local responsible agent shall diligently pursue the eviction of the occupants as required herein. Diligent pursuit of the eviction of said occupants shall include, but not be limited to, prosecution of the eviction proceeding, participation with follow through any appeal and obtain possession of the property.~~ This subsection is not intended to limit or inhibit the owner's right to initiate eviction *action.*

4. **Suspension or Revocation of Rental ~~Registration~~ Housing Permit.** Failure of an owner or local ~~responsible~~ *authorized* agent to take action required in subsection (3) above will result in the commencement of the process to suspend a ~~rental-registration~~ Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefor. [Ord. 22-2009]

5. **Reinstatement of Rental ~~Registration~~ Housing Permit.** The rental unit involved shall not have its ~~Rental registration~~ Rental Housing Permit reinstated until the *applicable* reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a *Rental Housing Permit* ~~registration~~ shall not be reinstated until compliance with the requirements therefor have occurred. [Ord. 22-2009]

6.7. **Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one *Disruptive Conduct Report* filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection. [Ord. 43-2008]

7.8- **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a *Disruptive Conduct Report* is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years. [Ord. 22-2009]

8.9- **Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a *Disruptive Conduct Report* or the revocation of a *Rental Housing Permit* resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Administrator of the Property Maintenance Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.

[Ord. 22-2009](Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 43-2008, 8/25/2008, §§1 and 2; by Ord. 55- 2008, 9/22/2008, §1; by Ord. 65-2008, 10/13/2008, §1; and by Ord. 22-2009, 4/27/2009, §§2-4)

~~§11-124. Housing Board of Appeals.~~
§11-122. Housing Board of Appeals.

1. **Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a

~~rental registration~~ **Rental Housing Permit** may appeal to the housing Board of Appeals. Such appeal must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [Ord. 22-2009]

2. **Organization.**

- A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner ~~or local responsible agent~~ of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. [Ord. 22-2009]
- B. **Alternates.** There shall be three alternate members: an owner ~~or local responsible agent~~, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
- C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
- D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.
- E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
- F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. [Ord. 43-2008]
- G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [Ord. 43-2008]
- H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for

immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. [Ord. 64-2010]

3. **Powers.** The Board shall have the following powers:
 - A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
 - B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.
 - D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties. [Ord. 43-2008]
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [Ord. 43-2008]
4. **Effect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension,

denial or nonrenewal of a ~~rental registration~~ **Rental Housing Permit** until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [Ord.22-2009]

5. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the ~~rental registration~~ **Rental Housing Permit** ~~per~~ pursuant to the provisions set forth in this Part.

The number of the following sections of this Chapter are hereby changed as follows:

~~§11-125. Appeal to Court of Common Pleas.~~

§11-123. Appeal to Court of Common Pleas.

~~§11-126. Share Information.~~

§11-124. Share Information.

~~§11-127. Compliance with Other City of Reading Ordinances~~

§11-125. Compliance with Other City of Reading Ordinances

Repeal of Chapter 11, Part 1, Exhibit A.

Chapter 11, Part 1, Exhibit A of the codified ordinances of the City of Reading, enacted as part of Ordinance 61-2007 and as part of Ordinance 22-2009, is hereby repealed.

BILL NO.____2011
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 HEALTH AND SAFETY BY REPEALING SECTION 18 HEALTH AND SAFETY INSPECTION AND RECREATING THE HEALTH AND SAFETY INSPECTION WITH OTHER PROVISIONS AS A NEW PART 3 NAMED "CERTIFICATE OF TRANSFER" IN CHAPTER 4 BUILDINGS.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Chapter 10 Health and Safety by repealing Section 18 Health and Safety Inspection and recreating Health and Safety Inspection with other provisions as a new Part 3 Named "Certificate of Transfer" in Chapter 4 Buildings as attached in Exhibit A.

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance will become effective April 1, 2012.

Enacted_____, 2011

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT "A"

Part 4. Certificate of Transfer

Section 4-301 Declaration of Purpose. The City of Reading City Council desires to establish certain rules and regulations related to the transfer of property within the City and requiring the receipt of a Certificate of Transfer from the City of Reading and the attachment of such certificate prior to the recordation of a deed in the Berks County Recorder of Deeds Office. The City Council finds that the establishment of this program for all City residential, non-residential, and mixed use properties is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of all City properties, by identifying and requiring correction of substandard conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in Reading.

The fees assessed in this Part shall be revenue neutral and will only cover the cost of the program. The fees shall be reviewed against the cost of the program annually and recommendations for adjustments shall be referred by ordinance to the City of Reading City Council.

Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

§4-302. Definitions.

AGENT - any person who for monetary or other consideration aids a seller in the sale of property. Whenever used in any clause prescribing or imposing a penalty, the term "agent," as applied to partnerships and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof. Liability shall be limited to failure to notify the seller of the obligations imposed by this Part.

AGREEMENT - written agreement or written instrument executed by the buyer at time of transfer of the property which provides the City with the ability to perform a Health and Safety Inspection.

BUYER - an individual who acquires legal or equitable title pursuant to an agreement of sale.

CERTIFICATE OF TRANSFER - the certificate issued by the City of Reading to the owner of a property that documents that the property is permitted for the use indicated

on the Certificate and is based on the property's compliance with the applicable City of Reading Ordinances and allows the property transfer to be ~~legally~~ recorded at the Berks County Recorder of Deeds Office.

CITY INSPECTOR - an employee or contractor engaged by the City of Reading to do, among other things, Health and Safety Inspections.

~~**CODES OFFICE** - City of Reading Property Maintenance Division.~~

DAYS - calculation of days in this Part shall be by calendar days unless otherwise noted in this Part. If the expiration of the day is on a Saturday, Sunday or Holiday, the deadline shall be extended until the next business day.

DEFICIENCIES - those items indicated on a Health and Safety Inspection report which require repair, remediation or corrective action and/or are hazardous conditions.

DWELLING UNIT or UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HEALTH AND SAFETY COMPLIANCE LETTER - a letter, correspondence or document issued by the City of Reading ~~Codes Enforcement~~ Property Maintenance Division stating that the requirements of this Part and the minimum habitability requirements set forth herein have been satisfied and any founded deficiencies have been corrected.

HEALTH AND SAFETY INSPECTION - an inspection to determine the condition of a property in accordance with such standards of minimum habitability and safety as shall be determined by the ~~Codes Enforcement~~ Property Maintenance Division.

HEALTH AND SAFETY INSPECTION REPORT - a report issued by a City Inspector setting forth the results of a health and safety inspection which shall include the designation of such conditions as shall require repair or remediation and any hazardous conditions for the current use of the property.

INDIVIDUAL - any person, partnership, association, corporation or other entity.

INSPECTION REQUEST - a request for performance of a Health and Safety Inspection other than an agreement submitted by a buyer at the time of transfer of the property.

MIXED COMMERCIAL/RESIDENTIAL PROPERTY - a property, building or structure in which part is used for residential purposes, living, and another part is utilized for commercial purposes. Also referred to as mixed residential/commercial property or mixed use - commercial/residential or mixed use - residential/commercial.

MULTI-UNIT DWELLING - a building arranged, designed, and intended to provide two or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include, but shall not be limited to, townhouses, apartments, and/or condominiums.

NOTICE OF VIOLATION - a written notice issued by the Property Maintenance Division directing any repair or remediation, corrective or other action relating to any

deficiencies as set forth in a report which may include a time frame within which any such action must be taken.

OWNER - entity or individual(s) that have an enforceable claim or title to an asset or property, and is recognized as such by law. For example, a lender is the legal owner of a property.

PROPERTY - all residential and mixed residential/commercial buildings, structures or property within the City of Reading, any and all building or other improvement(s) and the land on which the buildings and improvements are situated.

PROPERTY MAINTENANCE CODE - for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the International Property Maintenance Code, 2003 Edition, as published by the International Code Council, as deleted, modified or amended as set forth herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the City of Reading, Pennsylvania, as per Codified Ordinances Chapter 5, Part 6.

REHAB PLAN - a plan submitted to the Property Maintenance Division outlining the strategy and work including time frames to cure, correct, abate or remediate deficiencies identified in the health and safety inspection report in the dwelling unit beyond the time period provided for in the report and requesting an extension of time to cure such deficiencies.

RENTAL COMPLIANCE LETTER - a letter or document issued by the City of Reading ~~Codes Enforcement~~ Property Maintenance Division upon finding and stating compliance with the applicable City of Reading Codified Ordinances following performance of an inspection.

REPORT ACKNOWLEDGEMENT - a written document acknowledging receipt of the health and safety inspection report, responsibility to correct any deficiencies set forth in the report and stipulates the property's allowable use.

ROOM or ROOMING UNIT - any room, area or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes or independent living.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling, excluding hotels and motels.

SALE - the transfer of any legal or equitable interest in or title to property, including exchanges of properties.

SELLER - the owner *or* his authorized agent or appointee of the property that will be transferred or sold.

SETTLEMENT - the culmination of a particular transaction involving real property which results in the transfer or conveyance of a property from one party to another.

SINGLE-FAMILY DWELLING - a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit may be incorporated within a series of row homes sharing a common fire wall. Types of such buildings shall also include mobile and modular units.

STRUCTURE(S) - that which is built or constructed, or a portion thereof, other than one-family or two-family dwelling units and utility and miscellaneous use Structures

§ 4-303. Certificate of Transfer Required.

1. A Certificate of Transfer ~~must~~ *shall* be affixed to ~~all each~~ deeds for ~~all~~ *any* property *before a deed may be presented for recordation in the Berks County Recorder of Deeds Office*. The process to obtain a Certificate of Transfer will combine the Health and Safety Inspection with the water and solid waste certifications. To obtain a Certificate of Transfer the property must meet the City's health and safety standards and be in compliance with the City's business license, zoning laws, and other City regulations.
2. The Health and Safety Inspection shall occur first and will be completed in accordance with the provisions of this Part when any property located in the City is offered for sale or is transferred to a new owner. If a commercial use is identified during the inspection, the inspector will inquire with other departments to make sure proper zoning and a business license is in place and is current. The solid waste and water certification will occur after the City is notified that the property is going to settlement, either privately or through a settlement agency. When the property meets the City's regulations described herein, a Health and Safety Compliance Letter will be issued.
3. Any rental property that has undergone a property maintenance inspection and has received a Rental Compliance Letter, issued to the last owner of record, from the Property Maintenance Division and has remained code compliant within a 24 month period, from the date the Rental Compliance Letter was issued, will be charged half price for a Health and Safety Inspection. Any owner of a *property* who receives a Rental Compliance Letter but does not transfer the property to a new owner within a 24 month period will be required to have a new Health and Safety Inspection at a half price cost.

4. The Certificate of Transfer shall be issued to the requesting party and the County Recorder of Deeds after the water and solid waste certifications are issued and after the property is in compliance with zoning and other licensing if the property is not an owner-occupied residence. *Zoning permits and other licenses do not transfer to the new owner. The new owner must make application to the proper city office(s)*
5. No deed shall be recorded by the County Recorder of Deeds unless a Certificate of Transfer is affixed to the deed. *The County Recorder of Deeds shall inform the City if the deed is submitted without the Certificate of Transfer.*
6. Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

§4-304. Inspection Procedure.

An inspection shall be completed in accordance with the provisions of this Ordinance prior to the transfer of any Property except solely where the Sale occurs within 24 months of the date of issuance of a Rental Compliance Letter. If the property has not transferred to a new owner after 24 months of the date of the Health and Safety Compliance Letter, the seller or his agent shall request a refreshed inspection.

1. An inspection of the property shall be performed to determine compliance with minimum health and safety standards and requirements *as per the current allowable use*; however, these minimum health and safety standards shall not prohibit citations for other significant health and safety hazards that may be identified by the inspector during the inspection:

- A. Each dwelling unit must have an operational (working) smoke detector installed in all common areas, including the basement, every designated bedroom and every finished attic space as required by the Property Maintenance Code.
- B. Each dwelling unit must meet fire separation standards and have sufficient egress as per the Property Maintenance Code and fire separation standards.
- C. Each dwelling unit must have an existing acceptable 60 ampere service, or a minimum 100 ampere three-wire electric service, must be installed for the dwelling as required by the Property Maintenance Code.
- D. Each dwelling unit must have kitchen countertop receptacles, laundry and bathroom receptacles must be ground fault circuit interrupter protected, as required by Property Maintenance Code.

- E. No basement or attic may be used for habitable bedroom units except by authorization, approval or variance of the City Zoning Hearing Board and shall comply with the requirements of the Property Maintenance Code.
- F. All properties must be supplied with clearly identifiable numbers (minimum of 3 inches tall) outside the property, in clear view of the street, designating the street number of the property as required by the Property Maintenance Code.
- G. All utility connections, as defined under the applicable City policies and the Property Maintenance Code.
- H. All properties must be structurally sound and free from deteriorated components. Surfaces of building components preserved or needing to be preserved by paint or other similar preservative shall be in good condition and not deteriorating.
- I. All properties must be free from infestation of insects or vermin as required by the Property Maintenance Code.
- J. All properties must have the proper permits, licenses and zoning permits if being used for anything other than single-family owner-occupied purposes.
- K. All properties must comply with *the* Roommate Housing Ordinance or have previously obtained approval and registered as a non-conforming use from said requirement as per the Zoning Ordinance.
- L. All properties must have operational plumbing (e.g., bathroom and kitchen facilities) as required by the Property Maintenance Code.
- M. All properties must have working heating/mechanical equipment as required by the Property Maintenance Code.
- N. All properties must have kitchen and bathroom facilities as required by the Property Maintenance Code.

The Property Maintenance Inspector performing the inspection has the right to request assistance from another inspector or department of the City of Reading including but not limited to a property maintenance inspector or a trades inspector. In evaluating the inspection, the inspector has the right to review records of other City Departments or Divisions.

2. At the time an Agent undertakes to represent a Seller in the sale of property, the Agent shall inform the Seller of the requirements established by this Ordinance to have a Health and Safety Inspection prior to settlement and a Certificate of Transfer prior to the recordation of the deed.
3. If entering into an accepted Agreement of Sale, the Buyer or new owner discovers that the Health and Safety Inspection did not occur, the Buyer or new owner shall contact the Property Maintenance Division within five (5) days of the discovery

and request the inspection. The cost of the inspection shall be charged to the Buyer or new owner and reimbursed by the Seller at settlement. If the inspection does not occur prior to settlement, the Buyer or new owner is required to execute and submit a Letter of Intent to Comply to the Property Maintenance Division within fourteen (14) calendar days.

4. Any Rental Compliance Letter shall remain valid for a period of 24 months, for the original applicant, from the date of such inspection and may be relied upon during such period for the purposes of this Ordinance. Any property that remains for sale for more than a 24 month period, while owned by the original applicant, shall undergo a new Health and Safety Inspection at half price.

5. Within five (5) business days from the receipt of a request for a Health and Safety Inspection, the Property Maintenance Division shall schedule the inspection.

6. Upon the completion of the inspection, a copy of the Health and Safety Inspection Report shall be personally delivered to or be mailed by first class delivery to the Seller and the person or party requesting the inspection. Upon receipt of the Health and Safety Inspection Report, the Seller shall mail or deliver a copy to the Buyer, or Buyer's Agent, if Buyer is represented by an Agent or new owner. The Buyer or the Buyer's Agent may also request a copy of the Health and Safety Inspection Report from the Property Maintenance Division.

7. No later than settlement on the sale of the property, Buyer or new owner shall sign a Health and Safety Inspection Report Acknowledgment.

8. Should a Property be sold and the Buyer or new owner shall not have signed a Health and Safety Inspection Report Acknowledgment, both Buyer, or new owner and Seller shall be, jointly and severally, liable for the cost of correction of any such deficiencies. Nothing herein shall be deemed to preclude the Buyer, or new owner, and Seller from agreeing upon the apportionment of some or all of the cost of correcting any such deficiencies between themselves, however, any such agreement shall not be binding upon the City.

9. At any time after the receipt of the Health and Safety Inspection Report, the Property Maintenance Division may undertake such further actions or inspections as it deems appropriate consistent with the applicable ordinances of the City of Reading, including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a Notice of Violation based upon the Health and Safety Inspection Report to repair or remediate or otherwise correct any deficiencies indicated

in the Health and Safety Inspection Report within such time as may be set forth in the Notice of Violation.

10. In the event a Notice of Violation is issued, the Buyer (or the Seller in the event a sale is not consummated) may request a Rehab Plan. The Rehab Plan must be submitted to the Property Maintenance Division within fourteen (14) calendar days after the Rehab Plan form is issued to the party making the request. The Property Maintenance Division shall, within fourteen (14) calendar days of receipt of a request for Rehab Plan, indicate in writing whether the Plan is acceptable and, if any provisions are not acceptable and indicate the required remedies with the required time lines are not to exceed six (6) months. The Buyer or new owner or Seller, as the case may be, shall be bound to make any corrections or undertake any such remediation as set forth in the Notice of Violation in the time frame set forth in Notice of Violation, subject to any modification in the Notice of Violation as may be accepted by the Property Maintenance Division. Monthly progress reports shall be submitted in writing to the Property Maintenance Division. The Property Maintenance Division will determine when the property complies with the regulations as set forth herein.

11. If at the time of or before settlement, the Health and Safety Compliance Report has not been completed, the required Certificate of Transfer shall not be issued unless the Buyer executes and submits a copy of the original Rehab Plan and an executed Letter of Intent to the Property Maintenance Division. The new owner shall comply with the timelines specified by the Property Maintenance Division, not to exceed six (6) months.

§4-305. Fees.

1. **Residential Properties.** The fee for a health and safety inspection by a Property Maintenance Inspector at a residential structure shall be \$150. An additional fee of \$50 shall be charged per dwelling unit for each dwelling unit in excess of three dwelling units up to and including 21 dwelling units. A fee of \$15 shall be charged per each room or rooming unit in excess of eight rooms or rooming units up to an amount determined by the Property Maintenance Division to qualify as a commercial use and governed by the applicable ordinances. Any additional fee for inspection of a dwelling or property that is combined dwelling units and rooms or rooming units shall be determined by the Property Maintenance Division in accord with the fees set forth herein. The buyer seller or person requesting the inspection shall be responsible for any other associated administrative fees and costs.

Rental properties that have had a Property Maintenance Inspection and received a letter of compliance from the Property Maintenance Division and have remained *compliant*

with the Property Maintenance Code (does not include other City Codes such as Fire, Building etc.) within the past 24 months, while owned by the original applicant, will only be charged half price for the health and safety inspection.

2. Commercial and Mixed Residential/Commercial Properties. The fee for a Health and Safety Inspection by a Property Maintenance Inspector at a commercial structure shall be: \$150 for up to 2,000 square feet of commercial space to be inspected and \$50 for each additional 1,000 square feet of space, in addition to the \$150 fee for a residential property, up to three units. Additional fees for inspection of residential units shall be billed as set forth in the paragraph above. *Fire Inspection fees are set in Chapter 5, Section 308, Part 2 Permits, and Inspection Fees.*

3. Recheck or Re-inspection. An additional \$75 fee will be charged for more than one (1) scheduled re-inspection at all properties and subsequent re-inspections.

4. Cancellation and Rescheduling of Inspection. If the buyer or owner or their representative cannot be available on the date and time of the inspection, including recheck or re-inspection, said person shall notify the Property Maintenance Division in writing of their inability to attend the scheduled inspection in a manner, including mail, facsimile or electronic mail (email), that such notice is received by the Property Maintenance Division no less than 24 hours prior to the scheduled date and time of the inspection. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the Buyer or owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$250 shall be assessed in all cases. Any rescheduling of an inspection requires performance of the inspection within 6 months of the settlement or transfer of property.

5. Non-Payment. All associated fees shall be paid to the *City of Reading Treasurer's Office* prior to the scheduled time of the inspection. Non-payment shall not preclude performance of an inspection or recheck. In the event of non-payment, the City reserves the right to bill the buyer or person requesting the inspection and thereafter initiate collection activities and the appropriate legal action if the bill is not paid.

Notwithstanding the foregoing, buyer and seller shall not be prohibited from privately agreeing that buyer will reimburse seller for such fees.

(Ord. 16-2008, 2/11/2008, §1)

6. Any property that receives a Rental Compliance Letter but does not transfer to a new owner within a 24 month period will be required to have a new Health and Safety Inspection at a half price cost.

7. Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

8. **Revenue Neutral.** The Fees assessed in this Part shall be revenue neutral and will only cover the cost of the program. The Fees shall be reviewed against the cost of the program annually and recommendations for adjustments shall be referred by ordinance to the City of Reading City Council.

§4-306. Health and Safety Inspection Report.

1. **Report.** Upon the completion of a Health and Safety Inspection, a report setting forth the deficiencies found during the inspection shall be prepared. The report shall at a minimum state the following:

- A. Address of the property inspected.
- B. Owner's name and mailing address (P.O. Box addresses will not be accepted).
- C. Date of inspection.
- D. Name, position (buyer or owner and their authorized agents) and address of person(s) requesting the inspection.
- E. Deficiencies found per requirements of this Part. If no deficiencies are found per this Part it shall be so indicated.
- F. Time to cure deficiencies.
- G. Directive to cure deficiencies.
- H. Right to appeal as defined herein by §11-307-4.
- I. Date of re-inspection.
- J. Right to file a rehabilitation plan.
- K. Name, signature and contact information for inspector performing the inspection.
- L. If the property has been found to be a commercial use, the Health and Safety Inspection Report shall indicate the zoning district the property is located in, the permitted zoning use of the property and a business license.

2. **Service.** A copy of the report shall be delivered personally if the seller or person requesting the inspection is present at the time of inspection and the inspector shall note such delivery of the report. If the seller or person requesting the inspection is not present at the time of the inspection, the report shall be mailed by first class mail to the seller or in the event an inspection is requested after the transfer of the property to the buyer requesting the inspection. A copy of this report shall also be filed in the Property Maintenance Division.

3. **Validity.** A Health and Safety Inspection Report shall be valid for a period of 24 months. If deficiencies or violations are not corrected within 120 days of the original inspection, a subsequent inspection may be required to ensure no additional violations or deficiencies have occurred since the initial inspection.

(Ord. 16-2008, 2/11/2008, §1)

§4-307. Report Findings.

1. **Findings of Deficiencies or Violations.** If deficiencies or violations *for the current allowable use* of the requirements of this Part are discovered, they shall be set forth on a Health and Safety Inspection Report. Upon findings of deficiencies or violations of this Part are found, a re-inspection of the property shall be scheduled to be performed upon expiration of the time period provided for on the report to cure, correct or abate the violations. Findings of correction of the deficiencies or violations at the time of the re-inspection shall result in the issuance of a Certificate of Transfer. If the deficiencies or violations are not corrected at the time of the re-inspection, the buyer or owner requesting the inspection may submit a Rehabilitation Plan as provided for herein to the City of Reading Property Maintenance Division. Failure to cure, correct or abate the deficiencies or violations per the submitted Rehab Plan, subject to penalties and potential condemnation of the property.

2. **No Deficiencies Found.** If no deficiencies or violations per this Part are discovered during the Health and Safety Inspection, a Health and Safety Compliance Letter shall be issued by the City of Reading Property Maintenance Division as stated herein.

3. **Condemnation.** Nothing in this Part shall preclude an inspector from placarding or condemning a property as unfit for human habitation pursuant to City of Reading Codified Ordinances, if it is determined that the property is unfit for human habitation.

4. **Appeals.** If a person disagrees with findings in a Notice of Violation, they may appeal said findings by requesting a hearing in writing within 5 days of receipt of the Notice of Violation addressed to the Director of Community Development or his designee, Room 3-06 City Hall, 815 Washington Street, Reading, PA 19601.

(Ord. 16-2008, 2/11/2008, §1)

§4-308. Rehabilitation Plan.

1. **Plan.** The party requesting the inspection, may, in the event they deem they cannot meet the time frames to correct any violations as set forth in the Notice of Violation may request in writing from the Property Maintenance Division a one time extension of the time provided in the Notice of Violation to cure, correct, abate or remediate deficiencies or violations found during the Health and Safety Inspection. Such request shall specify

the reasons for such request(s) and the suggested time frames for such correction(s) or remediation.

2. Timing. A Rehabilitation Plan shall be submitted in a timely manner to be received by the Property Maintenance Division within fourteen (14) calendar days after re-inspection of the property. The Property Maintenance Division shall issue notification of the acceptance or rejection as provided for in this Section, to the person requesting the inspection within fourteen (14) calendar days of receipt of the rehabilitation plan.

3. Acceptance of Rehab Plan. If the City of Reading Property Maintenance Division accepts the Rehab Plan *it* shall so notify the buyer or owner in writing and said person will be bound by the time periods set forth in the Rehab Plan. The Property Maintenance Division shall further reschedule the re-inspection date of the property to a time after the expiration of the extension period requested in the Rehab Plan. Nothing in this Section, shall preclude the City of Reading Property Maintenance Division from inspecting the property to ensure compliance with the Rehab Plan.

4. Rejection of Rehab Plan. If ~~not~~ the Rehab Plan is not accepted by the Property Maintenance Division, the person requesting the inspection, shall be so notified as required herein. The work, curing, abatement, remediation and correction of the deficiencies set forth in the Notice of Violation shall be completed within the time frame set forth in the correction directive.

(Ord. 16-2008, 2/11/2008, §1)

§4-309. Health and Safety Compliance Letter & Rental Compliance Letter

1. Issuance. Upon determination by a Property Maintenance Inspector of no findings of violations or deficiencies of this Part, a Health and Safety Compliance Letter shall be prepared and issued to the person requesting the inspection. The letter shall be served upon the person requesting the inspection via first class mail and a copy shall be placed in the property file in the Property Maintenance Division. The Health and Safety Compliance Letter shall state that as of the date of issuance of the letter the property complied with this Part. The letter shall not be meant to be nor interpreted that the property is in compliance with all City of Reading Codified Ordinances.

2. Validity of Compliance Letter. A Health and Safety Compliance Letter issued per this Part shall be valid, *for Property Maintenance Code only*, for the person who is the original applicant, for a period of 24 months from date of issuance. The date of issuance

shall be the date set forth on the top of the letter issued by the Property Maintenance Division.

3. Request for Extension. The person requesting an inspection may submit to the City of Reading Property Maintenance Division in writing a request for an extension of time of the validity of the Health and Safety Compliance Letter.

4. Timing to Request Extension. A request for an extension of the validity of a Health and Safety Compliance Letter must be submitted in a manner to be received by the Property Maintenance Division no later than fourteen (14) calendar days prior to the expiration, or twelve (12) months after issuance, of the Health and Safety Compliance Letter.

5. Requirements. A request for an extension of the Health and Safety Compliance Letter shall, at a minimum, set forth the reason for the request and the requested length of extension of validity of the compliance letter.

6. Response. The City of Reading Property Maintenance Division at its discretion may approve or reject a request for an extension of the time period for the validity of a Health and Safety Compliance Letter. The Property Maintenance Division shall notify the person requesting the extension of its decision to accept or reject their request within fourteen (14) calendar days of receipt of request as evident by the time stamp of the City of Reading Property Maintenance Division acknowledging receipt. Said notice shall be mailed via first class mail to the person requesting the extension. If the request is rejected, an inspection must be requested and performed as required by this Part upon expiration of the validity of the compliance letter if necessary to comply with this Part.

7. Rental Compliance Letter. If the property being sold is a rental unit which has undergone a full rental inspection per the City of Reading Codified Ordinances within six (6) months of transfer of the property and a letter has been issued by the City of Reading Property Maintenance Division stating that the property is code compliant, the property is not required to undergo a Health and Safety Inspection. The seller may request a Health and Safety Compliance Letter based on the Rental Compliance Letter. (*Ord. 16-2008, 2/11/2008, §1*)

§4-310. Permits.

If permits are required to perform work to cure, correct, abate or remediate any deficiencies or violations noted on the Health and Safety Inspection Report, the buyer or

new owner, person requesting the inspection, shall be responsible to obtain or ensure obtaining of any and all permits required to perform such work.
(Ord. 16-2008, 2/11/2008, §1)

§4-311. Non-exclusive Inspection.

1. At any time after the receipt of the report, the Property Maintenance Division may undertake such further actions or inspections as it deems appropriate and consistent with the applicable ordinances of the City of Reading including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a correction directive based upon the report to repair or remediate or otherwise correct any deficiencies indicated in the report within such time as may be set forth in the correction directive.

2. Further, the performance of a Health and Safety Inspection shall not remove a property from the schedule of routine inspections of rental properties in the City of Reading as conducted per the City of Reading Property Maintenance Code [Chapter 5, Part 6]. A Health and Safety Inspection shall also not preclude performance of an inspection by the Department of Fire and Rescue Services or Health Inspector of the City of Reading Property Maintenance Division, City of Reading Zoning Office or other City Office as provided for in the City of Reading Codified Ordinances.

3. Nothing in this Part, shall preclude the performance of an inspection upon receipt of a complaint of violation of the City of Reading Codified Ordinances regarding the subject property.

(Ord. 16-2008, 2/11/2008, §1)

§4-312. Enforcement.

This Part shall be enforced under the jurisdiction of the City Property Maintenance Division. Enforcement is delegated to the Property Maintenance Division.

(Ord. 16-2008, 2/11/2008, §1)

§4-313. Regulations and Forms.

The Property Maintenance Division is hereby authorized to establish regulations, consistent with the provisions of this Part, to prepare and distribute forms to implement this Part and to set criteria and provide for the qualifications and training as to applicable City ordinances and regulations of certified inspectors and to do any and all other acts as are necessary to implement the terms of this Part.

(Ord. 16-2008, 2/11/2008, §1)

§4-314. Issuance of Certificate of Transfer.

Completed Water and Solid Waste Certifications shall be copied to the Property Maintenance Division. On receipt of the completed certifications the Property Maintenance Division shall prepare the Certificate of Transfer and issue the Certificate of Transfer to the Seller, or his authorized agent, and electronically to the Berks County Recorder of Deeds. The Certificate of Transfer issued to the Seller, or his authorized agent, shall be affixed to the deed when it is delivered to the Berks County Recorder of Deeds for recordation.

§4-315. Exemptions. *The following real estate transactions shall be exempted from the Certificate of Transfer requirement:*

- 1. The conveyance of an owner occupied primary residential property transferring from a decedent(s) to his devisee(s) or heir(s).*
- 2. The conveyance of an owner occupied primary residential property transferring between spouses due to a divorce action.*
- 3. The conveyance of a property to a municipality, township, school district or county or its agencies pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim department sale.*
- 4. The conveyance of a property to the Commonwealth or to any of its instrumentalities, agencies or political subdivisions by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation.*

§4-316. Violations.

Any person who shall violate a provision of this Part, or who shall fail to comply with any of the requirements thereof or any amendments thereof shall be subject to a charge of summary offense and the fines set forth herein.

(Ord. 16-2008, 2/11/2008, §1)

§4-317. Penalties.

The following penalties may be levied on either or both of the seller and buyer, or new owner should either fail to comply with the terms of this ordinance:

- 1. Failure to correct deficiencies per the report and/or within the terms of the rehab plan: \$1,000 and any appropriate proceeding of law that could ultimately revoke the Occupancy Certificate issued by the Fire Marshal ~~eviction from dwelling~~. All related court costs will be charged to the either or both the seller and/or buyer, or new owner.*

2. Failure to obtain a Certificate of Transfer prior to Settlement: \$1,000 and eviction from dwelling.
(Ord. 16-2008, 2/11/2008, §1)

§4-318. Other Causes of Action.

Nothing in this Section shall preclude the City of Reading Property Maintenance ~~Official~~ *Inspector* instituting the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
(Ord. 16-2008, 2/11/2008, §1)

§4-319. Liability of City/Buyer/Inspector.

1. The issuance of a review report is not in any way a representation or guarantee by the City or any City Inspector that the property is without violations or in compliance with the applicable ordinances and codes. Any such review shall not be deemed a "codes inspection" and is intended solely for the use of the City and is not intended to replace such or supplement any private inspection of the condition of the property as may be deemed desirable by the property owner or other entities.

2. Neither the enactment of this Part nor the preparation and delivery of any document pursuant hereto shall impose any liability upon any City Inspector for any errors or omissions contained in any report nor shall the City or City Inspector bear any liability not otherwise imposed by law. The owner and subsequent buyer of any property shall remain wholly liable for compliance with the City's Property Maintenance Code [Chapter 5, Part 6], Trades Codes, the Zoning Ordinances [Chapter 27] and any and all other applicable ordinances of the City.

3. Nothing herein shall be deemed to prevent a buyer and seller from entering into an agreement between them that the buyer will reimburse seller for undertaking the cost of any necessary renovations or repairs to make the property compliant with the City Property Maintenance Code [Chapter 5, Part 6] or other ordinances.

BILL NO. _____ -2011
AN ORDINANCE

AN ORDINANCE MODIFYING THE FEE SCHEDULE OF THE CITY OF READING RELATED TO CERTAIN ACTIVITIES OF THE SOLID WASTE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS AND THE PROPERTY MAINTENANCE DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule be amended as follows effective January 1, 2012:

Permit Fee	Current Fee	Proposed Fee
Recycling Services Fee	\$86.33	\$82.33
Trash Removal Fee	\$212.65	\$203.65
Rental/boarding house permit	\$100/unit	\$100/parcel
Single family rental inspection	\$240	\$505 per inspection
Two-unit rental inspection	\$270	\$505 per inspection
Three-unit rental inspection	\$300	\$705 per inspection
Four-unit rental inspection	\$330	\$705 per inspection
Five-unit rental inspection	\$350	\$705 per inspection
Six-unit rental inspection	\$405	\$905 per inspection
Seven-unit rental inspection	\$460	\$905 per inspection
Eight-unit rental inspection	\$515	\$905 per inspection
Nine-unit rental inspection	\$570	\$905 per inspection
Ten-unit rental inspection	\$625	\$905 per inspection
Each rental unit over 10	\$625 + \$55/unit	\$905 + \$50/unit
Reschedule re-inspection (3 rd occurrence)	\$75	\$45 per occurrence
Pre-sale inspection fee	N/A	\$150 per occurrence
Small restaurant	\$160 yearly	\$220 yearly
Large restaurant	\$165 yearly	\$220 yearly
Itinerant restaurant	\$100 yearly	\$220 yearly
Ancillary restaurant	\$80 yearly	\$95 yearly
Small grocery	\$150 yearly	\$220 yearly
Large grocery	\$220 yearly	\$220 yearly
Supermarket	\$180 yearly	\$250 yearly
Bakery license	\$160 yearly	\$230 yearly
Deli license	\$150 yearly	\$230 yearly
Health code violation – 1 st	\$70 per occurrence	\$105 per occurrence

Health code violation – 2nd, subsequent \$95 per occurrence \$105 per occurrence

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amendment set forth above in Section 1 are hereby repealed; otherwise, all other items, parts, sections, etc. of said Code shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2011

Council President

I, LINDA A. KELLEHER, City Clerk of the City of Reading, PA, do hereby certify that the foregoing is a true and correct copy of the original ordinance passed by the Council of the City of Reading on the ____ day of _____, 2011. Witness by hand seal of said City this ____ day of _____, A.D. 2011

City Clerk

Attest:

City Clerk

Submitted to the Mayor: _____

Date: _____

Received by Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Barry Richardson is appointed to the Board of Ethics with a
term ending December 12, 2014.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Ernest Schlegel is reappointed to the Library Board with a term
ending December 31, 2016.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk